

Exhibit "A"

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF WESTCHESTER

Filed: _____

INDEX NO. _____

MARIE ELENA MCCARTHY and NEIL TANICO,

Plaintiffs,

Plaintiffs designate
Westchester County as the
place of trial.

-against-

S U M M O N S

TARGET CORPORATION,

Defendant.



The basis of venue is
Plaintiffs' residence:
33 Park Avenue
Harrison, New York

To the above named Defendant:

YOU ARE HEREBY SUMMONED to answer the complaint in this action and to serve a copy of your answer on the plaintiffs' attorneys within 20 days after the service of this summons, exclusive of the day of service of this summons, or within 30 days after service of this summons is complete if this summons is not personally delivered to you within the State of New York.

In case of your failure to answer this summons, a judgment by default will be taken against you for the relief demanded in the complaint, together with the costs of this action.

Dated: White Plains, New York
December 17, 2020

 
THE LAW OFFICE OF ANTHONY R. TIRONE, ESQ., P.C.
Attorneys for Plaintiffs
170 Hamilton Avenue, Suite 300
White Plains, New York 10601
(914) 686-7007

TARGET CORPORATION
9 City Place
White Plains, New York 10601

TARGET CORPORATION
1000 Nicollet Mall
Minneapolis, MN 55403

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF WESTCHESTER

INDEX NO.

MARIE ELENA MCCARTHY and NEIL TANICO,

VERIFIED COMPLAINT

Plaintiffs,

-against-

TARGET CORPORATION,

Defendant.

Plaintiffs, by their attorneys, THE LAW OFFICE OF ANTHONY R. TIRONE, ESQ.,
P.C., as and for their Verified Complaint, respectfully allege, upon information and belief:

AS AND FOR A FIRST CAUSE OF ACTION

1. The plaintiff, MARIE ELENA MCCARTHY, at all times herein mentioned was and still is a resident of the County of Westchester and the State of New York.
2. The plaintiff, NEIL TANICO, at all times herein mentioned was and still is a resident of the County of Westchester and the State of New York.
3. The defendant TARGET CORPORATION, at all times herein mentioned, was and still is a corporation organized and existing under the laws of the State of Minnesota, with its place of business situated in the County of Westchester and the State of New York.
4. The defendant TARGET CORPORATION, at all times herein mentioned was and still is a foreign corporation duly licensed and authorized to do business in the State of New York.
5. The defendant, TARGET CORPORATION, at all times herein mentioned conducted and carried on business in the County of Westchester and the State of New York.
6. The defendant, TARGET CORPORATION, at all times herein mentioned was and still is a partnership doing business in the County of Westchester and the State of New York.

7. The defendant, TARGET CORPORATION, at all times herein mentioned was and still is a limited liability partnership doing business in the County of Westchester and the State of New York.

8. The defendant, TARGET CORPORATION, at all times herein mentioned was and still is a limited liability corporation doing business in the County of Westchester and the State of New York.

9. The defendant, TARGET CORPORATION, at all times herein mentioned was and still is a sole proprietorship doing business in the County of Westchester and the State of New York.

10. At all times herein mentioned, defendant TARGET CORPORATION transacted business within the State of New York.

11. At all times herein mentioned, defendant TARGET CORPORATION derived substantial revenue from goods used or consumed or services rendered in the State of New York.

12. At all times herein mentioned, defendant TARGET CORPORATION expected or should reasonably have expected its acts to have consequences in the State of New York.

13. At all times herein mentioned, MARIE ELENA MCCARTHY was lawfully upon defendant's premises.

14. At all times herein mentioned, the defendant TARGET CORPORATION owned the premises located at 9 City Place, in the City of White Plains, County of Westchester, State of New York.

15. At all times herein mentioned, the defendant TARGET CORPORATION was one of the owners of the premises located at 9 City Place, in the City of White Plains, County of Westchester, State of New York.

16. At all times herein mentioned, the defendant TARGET CORPORATION was a lessor of the premises located at 9 City Place, in the City of White Plains, County of Westchester, State of New York.

17. At all times herein mentioned, the defendant TARGET CORPORATION was a lessee of the premises located at 9 City Place, in the City of White Plains, County of Westchester, State of New York.

18. At all times herein mentioned, the defendant TARGET CORPORATION operated a store at the premises located at 9 City Place, in the City of White Plains, County of Westchester, State of New York.

19. At all times herein mentioned, the defendant TARGET CORPORATION's servants, agents and/or employees operated the premises, including the vestibule area between the store and the park lot, located at 9 City Place, in the City of White Plains, County of Westchester, State of New York.

20. At all times herein mentioned, the defendant TARGET CORPORATION's servants, agents and/or employees maintained the premises, including the vestibule area between the store and the park lot, located at 9 City Place, in the City of White Plains, County of Westchester, State of New York.

21. At all times herein mentioned, the defendant TARGET CORPORATION's servants, agents and/or employees managed the premises, including the vestibule area between the store and the park lot, located at 9 City Place, in the City of White Plains, County of Westchester, State of New York.

22. At all times herein mentioned, the defendant TARGET CORPORATION's servants, agents and/or employees controlled the premises, including the vestibule area between the store and the park lot, located at 9 City Place, in the City of White Plains, County of Westchester, State of New York.

23. At all times herein mentioned, the defendant TARGET CORPORATION's servants, agents and/or employees supervised the premises, including the vestibule area between the store and the park lot, located at 9 City Place, in the City of White Plains, County of Westchester, State of New York.

24. On or before December 30, 2018, the defendant TARGET CORPORATION's servants, agents and/or employees repaired the premises, including the vestibule area between the store and the park lot, located at 9 City Place, in the City of White Plains, County of Westchester, State of New York.

25. On or before December 30, 2018, the defendant TARGET CORPORATION's servants, agents and/or employees inspected the premises, including the vestibule area between the store and the park lot, located at 9 City Place, in the City of White Plains, County of Westchester, State of New York.

26. On or before December 30, 2018, it was the duty of the defendant TARGET CORPORATION's servants, agents and/or employees to inspected the premises, including the vestibule area between the store and the park lot, located at 9 City Place, in the City of White Plains, County of Westchester, State of New York.

27. On or before December 30, 2018, the defendant TARGET CORPORATION's servants, agents and/or employees constructed the premises, including the vestibule area between the store and the park lot, located at 9 City Place, in the City of White Plains, County of Westchester, State of New York.

28. On or before December 30, 2018, the defendant TARGET CORPORATION's servants, agents and/or employees designed the premises, including the vestibule area between the store and the park lot, located at 9 City Place, in the City of White Plains, County of Westchester, State of New York.

29. At all times herein mentioned, it was the duty of the defendant TARGET CORPORATION's servants, agents and/or employees to maintain said premises, including the vestibule area between the store and the park lot, located at 9 City Place, in the City of White Plains, County of Westchester, State of New York.

30. At all times herein mentioned, it was the duty of the defendant TARGET CORPORATION's servants, agents and/or employees to maintain said premises, including the vestibule area between the store and the park lot, located at 9 City Place, in the City of White Plains, County of Westchester, State of New York, in a reasonably safe and suitable condition and in good repair.

31. At all times herein mentioned, it was the duty of the defendant TARGET CORPORATION's servants, agents and/or employees to maintain said premises, including the vestibule area between the store and the park lot, located at 9 City Place, in the City of White Plains, County of Westchester, State of New York, free from dangerous and slippery conditions.

32. At all times herein mentioned, the defendant TARGET CORPORATION's servants, agents and/or employees created a dangerous condition in the vestibule area between the store and the park lot, located at 9 City Place, in the City of White Plains, County of Westchester, State of New York.

33. At all times herein mentioned, the defendant TARGET CORPORATION's servants, agents and/or employees failed to warn of the dangerous condition in the vestibule area between the store and the park lot, located at 9 City Place, in the City of White Plains, County of Westchester, State of New York.

34. At all times herein mentioned, it was the duty of the defendant TARGET CORPORATION's servants, agents and/or employees to warn of the dangerous condition in the vestibule area between the store and the park lot, located at 9 City Place, in the City of White Plains, County of Westchester, State of New York.

35. At all times herein mentioned, the defendant TARGET CORPORATION's servants, agents and/or employees caused a dangerous condition in the vestibule area between the store and the park lot, located at 9 City Place, in the City of White Plains, County of Westchester, State of New York.

36. On December 30, 2018, plaintiff, the MARIE ELENA MCCARTHY was caused to slip and fall in the vestibule area of defendant TARGET CORPORATION's premises between the store and the park lot, located at 9 City Place, in the City of White Plains, County of Westchester, State of New York.

37. On December 30, 2018, plaintiff, the MARIE ELENA MCCARTHY was caused to slip and fall on a slippery surface in the vestibule area of defendant TARGET CORPORATION's premises between the store and the park lot, located at 9 City Place, in the City of White Plains, County of Westchester, State of New York.

38. Solely as a result of the defendant's TARGET CORPORATION's negligence, carelessness and recklessness, MARIE ELENA MCCARTHY was caused to suffer severe and serious personal injuries to mind and body, and further, that MARIE ELENA MCCARTHY was subjected to great physical pain and mental anguish.

39. By reason of the foregoing, MARIE ELENA MCCARTHY was severely injured and damaged, sustained severe nervous shock and mental anguish, great physical pain and emotional upset, some of which injuries are believed to be permanent in nature and duration, and MARIE ELENA MCCARTHY will be permanently caused to suffer pain, inconvenience and other effects of such injuries; MARIE ELENA MCCARTHY incurred and in the future will necessarily incur further hospital and/or medical expenses in an effort to be cured of said injuries; and MARIE ELENA MCCARTHY will be unable to pursue MARIE ELENA MCCARTHY's usual duties with the same degree of efficiency as prior to this accident, all to MARIE ELENA MCCARTHY's great damage.

40. The aforesaid occurrence was caused by the negligence, carelessness, and recklessness of the defendants TARGET CORPORATION, without any culpable conduct on the part of the plaintiff, MARIE ELENA MCCARTHY.

41. This action falls within one or more of the exceptions set forth in Section 1602 of the Civil Practice Law and Rules.

42. Due to defendant's negligence, plaintiff MARIE ELENA MCCARTHY is entitled to damages in a sum which exceeds the jurisdictional limit of all lower Courts which would otherwise have jurisdiction.

AS AND FOR A SECOND CAUSE OF ACTION

43. Plaintiff NEIL TANICO repeats and realleges each and every allegation contained in paragraphs numbered "1" through "42" of the Complaint as if fully set forth at length herein.

44. At all times herein mentioned, plaintiff Neil Tanico was the lawfully wedded spouse of plaintiff MARIE ELENA MCCARTHY, and as such, was entitled to the services, earnings, consortium and society of MARIE ELENA MCCARTHY.

45. As a result of this accident, this plaintiff lost the said services, earnings, consortium and society of MARIE ELENA MCCARTHY, and was caused to expend monies in the care and treatment of the injuries so sustained by MARIE ELENA MCCARTHY.

46. Due to defendant's tortious and/or wrongful conduct as herein alleged, plaintiff NEIL TANICO is entitled to damages in a sum which exceeds the jurisdictional limit of all lower Courts which would otherwise have jurisdiction.

WHEREFORE, the plaintiffs demand:

- a. Judgment awarding damages in a sum which exceeds the jurisdictional limit of all lower Courts which would otherwise have jurisdiction on the First Cause of Action;
- b. Judgment awarding damages in a sum which exceeds the jurisdictional limit of all lower Courts which would otherwise have jurisdiction on the Second Cause of Action;
- c. Interest, the costs and disbursements of this action, together with such other and further relief as to this Court seems just and proper.

Dated: White Plains, New York
December 17, 2020



Anthony R. Tirone
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SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF WESTCHESTER

MARIE ELENA MCCARTHY and NEIL TANICO,
Plaintiffs,

-against-

TARGET CORPORATION,
Defendant.

INDEX NO.

INDIVIDUAL VERIFICATION

[illegible]

MARIE ELENA MCCARTHY, being duly sworn, deposes and says:

I have read the foregoing Complaint and know the contents thereof and the same is true to the best of my knowledge, except as to those matters herein stated to be alleged upon information and belief and that as to those matters, I believe them to be true.

MARIE ELENA MCCARTHY

Sworn to before me this
12th day of Dec, 2020

NOTARY PUBLIC

ANTHONY R. TIRONE
NOTARY PUBLIC-STATE OF NEW YORK
No. 02T14978380
Qualified in Westchester County
My Commission Expires 03-04-2023

SUPREME COURT OF THE STATE OF NEW YORK
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MARIE ELENA MCCARTHY and NEIL TANICO,
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-against-

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SUMMONS and VERIFIED COMPLAINT

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